IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

Crl.MC.No. 423 of 2007()

SC.378/1999 of SPL.COURT (NDPS ACT CASES), TRIVANDRUM

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PETITIONER: ACCUSED NO.2

SHANAVAS,
SAJJAD MANZIL, VALLAKADAVU, THIRUVANANTHAPURAM.

BY ADV. SRI.P.S.ABDUL KAREEM

RESPONDENTS: COMPLAINANT

A.R.ASOK KUMAR,
SUPERINTENDENT OF CENTRAL EXCISE,
CUSTOMS PREVENTIVE & INTELLIGENCE UNIT,
THIRUVANANTHAPURAM, REPRESENTED BY THE
ASST. CENTRAL GOVERNMENT COUNSEL.

BY A.S.G.I SRI.JOHN VARGHESE

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 10/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 423 of 2007

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Dated this the 5th day of March, 2007

O R D E R

The learned A.S.G.I. submits that it is absolutely incorrect to say that no appeal has been preferred against the judgment of acquittal of the co-accused in S.C.No. 378 of 1999. An appeal has already been preferred and the same is pending before this Court as Crl.A.No. 348 of 2003. In these circumstances, the reason for dismissal of an identical petition filed earlier as per Annex.A5 order subsists even now and the petitioner is not entitled to renew the same prayer now, it is submitted.

2. The petitioner had come to this court with the grievance that though in Annex.A5 a submission was made that an appeal has been preferred against the judgment of acquittal in Annex.A6 judgment, no such appeal had actually been filed. In view of the submission that Crl.A.No. 348 of 2003 is pending against Annex.A6 judgment, the bottom is knocked out of this petition and I am satisfied that this Crl.M.C. deserves only to be dismissed.

3. This Crl.MC. is hence dismissed.

(R. BASANT)
Judge

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